

1 Rule 4-401. Media in the courtroom.

2 Intent:

3 To establish uniform standards and procedures for conduct and the use of  
4 photographic equipment in the courts of the state.

5 To permit access to the courtroom by the news media while preserving the  
6 participants' rights to privacy and a fair trial.

7 Applicability:

8 This rule applies to the courts of record and not of record.

9 This rule governs photography and conduct during sessions of court and recesses  
10 between sessions.

11 This rule shall not diminish the authority, conferred by statute, rule or common law,  
12 of the judge to control the conduct of proceedings in the courtroom.

13 As used in this rule, the term "courtroom" includes the courtroom and areas  
14 immediately adjacent to the courtroom.

15 Statement of the Rule:

16 (1)(A) Filming, video recording, and audio recording in a trial courtroom are  
17 prohibited except to preserve the official record of proceedings. ~~The trial court's~~ With the  
18 permission of the judge presiding at the hearing, an audio or video signal of  
19 proceedings may be transmitted ~~to an overflow room and copied.~~ No recording of the  
20 video may be made in the overflow room, except as part of a pilot program approved by  
21 the Judicial Council with the permission of the presiding judge of the court and the judge  
22 presiding at the hearing.

23 (1)(B) Filming, video recording, and audio recording in an appellate courtroom are  
24 permitted to preserve the official record of proceedings and as permitted by procedures  
25 of those courts. ~~A~~ With the permission of the judge presiding at the hearing, an audio or  
26 video signal of proceedings may be transmitted ~~to an overflow room where it may be~~  
27 and copied.

28 (2) Still photography, filming and audio and video recording in the courtroom for  
29 ceremonial or court approved public information programs are permitted when arranged  
30 through the presiding judge of the court.

(3) No one may photograph a juror or prospective juror before the person is dismissed. Unless permitted by the judge presiding at the hearing, no one may photograph in the courtroom an exhibit or a document that is not part of the official public record or the face of a person known to the photographer to be a minor.

(4) Still photography in a courtroom is prohibited, but it may be permitted in the discretion of the judge presiding at the hearing. A request to photograph in a courtroom shall be filed with the judge presiding at the hearing at least 24 hours prior to the hearing. A judge may permit photography with less than 24 hours notice upon a showing of good cause. In determining whether to permit still photography and, if so, how to regulate it, the judge presiding at the hearing should consider whether:

(4)(A) photography can be accommodated without distracting the participants;

(4)(B) there is a substantial likelihood photography would jeopardize the right to a fair hearing or trial; or

(4)(C) the privacy interests of the victim of a crime, a party in a civil case or a witness outweigh the interest of the public in access to a photograph of the person.

(5) Conduct in the courtroom.

(5)(A) The judge presiding at the hearing may position reporters and equipment in the courtroom to permit reasonable news coverage. ~~The judge may require reporters to~~ Media representatives must share a single photographer.

(5)(B) Photographers shall not use flash or strobe lights. Media representatives shall use normally available courtroom equipment unless the presiding judge and the judge presiding at the hearing approve modifications, which shall be installed and maintained without public expense.

(5)(C) Proceedings in the courtroom shall not be disrupted. Members of the public in the courtroom shall:

(5)(C)(i) avoid calling attention to themselves;

(5)(C)(ii) not place equipment in or remove equipment from the courtroom while court is in session;

(5)(C)(iii) not make comments in the courtroom during the court proceedings;

(5)(C)(iv) not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;

62 (5)(C)(v) present a neat appearance in keeping with the dignity of the proceedings;

63 (5)(C)(vi) not conduct interviews in the courtroom until the hearing proceeding is  
64 concluded and the court is recessed;

65 ~~(5)(C)(vii) not, if the hearing is a trial, conduct interviews in the courtroom until the~~  
66 ~~trial is concluded;~~

67 ~~(5)(C)(viii)–(5)(c)(vii)~~ not use a camera or tape recorder to conduct interviews in the  
68 courtroom; and

69 (5)(C)(ix) comply with the orders and directives of the court.

70 (6) ~~The~~ In addition to contempt and any other sanctions allowed by law, the court  
71 may remove anyone violating these rules from the courtroom and revoke the privileges  
72 contained in this rule.

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